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23 **IN THE COURT OF APPEALS**

24 **STATE OF ARIZONA**

25 **DIVISION TWO**

26 JEREMY AND KIMBERLY HARRIS,

27 Plaintiffs/Cross-Petitioners

28 v.

RICHARD E. GORDON, JUDGE OF THE
SUPERIOR COURT OF ARIZONA, PIMA
COUNTY,

Respondent Judge,

No. 2CA-SA 2019-0051

Pima County Superior Court
No. C20174589

**REPLY IN SUPPORT OF
MOTION FOR AMENDED
BRIEFING SCHEDULE
REGARDING CORRECTED**

**CROSS PETITION FOR
SPECIAL ACTION**

v.

BANNER UNIVERSITY MEDICAL
CENTER TUCSON CAMPUS, LLC, an
Arizona Corporation dba BANNER
UNIVERSITY MEDICAL CENTER
TUCSON; GEETHA GOPALAKRISHNAN,
MD; MARIE L. OLSON, MD; EMILY
NICOLE LAWSON, DO; DEMITRIO J.
CAMARENA, MD; PRAKASH JOEL
MATHEW, MD; JASON THOMAS
ANDERSON, MD; SARAH MOHAMED
DESOKY, MD; BANNER HEALTH;
BANNER UNIVERSITY MEDICAL
GROUP,

Defendants/Real Parties in Interest

In light of the statements by the Banner defendants that Ms. Mills' avowals to the Court are false, we attach the affidavit of Felina Marquez, which explains the secretarial error that occurred on October 25, 2019. We respectfully request that this clerical error should not prejudice the Harris family's case. We have no objection to a briefing schedule that accommodates the holidays and Ms. Gilbride's trial schedule.

RESPECTFULLY SUBMITTED this 22nd day of November, 2019.

LAW OFFICE OF JOJENE MILLS, P.C.

By: /s/ JoJene Mills

JoJene Mills

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Affidavit of Felina Marquez

Felina Marquez, being first duly sworn upon her oath, states:

1. I am JoJene Mills' legal secretary and am the only secretarial staff working on the Harris v. Banner case.

2. I confirmed from my computer's data that the document that is now titled "CORRECTED Cross Petition for Special Action" was initially created on October 15, 2019. Mr. Cohen created the initial draft and Mr. Cohen, Mr. Rudd and Ms. Mills made substantial edits to the document until they all indicated it was a final version on October 24, 2019. At the same time, all three lawyers were working with me on the Response to the Petition for Special Action and an Appendix. On October 24, 2019, Ms. Mills directed me to complete any minor formatting issues and electronically file the Cross Petition for Special Action, the Response to Banner's Petition for Special Action and the Appendix on October 25, 2019.

3. On the morning of October 25, 2019, I completed minor formatting changes to both documents. I was in communication with the Court of Appeals staff, Itza French and the IT department about the specifics of uploading the documents and size limitations. I believe that in the process of converting the Word documents to PDF documents for uploading, I mistakenly duplicated the text of the Response as the Cross Petition. I uploaded the documents to the Court of Appeals website.

However, I was contacted by Court of Appeals staff with a problem. It was

1 explained to me that the document caption had to match what was typed in the
2 "Document Title" box on the website. I corrected it and I received an email
3 confirmation that they were filed.
4

5 4. What is now titled the CORRECTED Cross Petition for Special Action was
6 ready for filing on October 25, 2019. It was not filed correctly due to my error, for
7 which I apologize to the Court and counsel.
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9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated this 22 day of November 2019
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14 Felina D. Marquez
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Honorable Richard E. Gordon
Judge of the Superior Court Pima
County Superior Court
110 W. Congress Street
Tucson, AZ 85701
mdimond@sc.pima.gov
Respondent Judge

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/s/ JoJene Mills